



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,267	08/09/2001	Yoji Yokoyama	L9289 01157	2445

7590 10/03/2006

Stevens Davis Miller & Mosher
1615 L Street N W Suite 850
Washington, DC 20036

EXAMINER

JONES, PRENELL P

ART UNIT	PAPER NUMBER
----------	--------------

2616

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

sf

Office Action Summary	Application No. 09/869,267	Applicant(s) YOKOYAMA, YOJI	
	Examiner Prenell P. Jones	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-13 is/are allowed.
- 6) ☒ Claim(s) 14, 18, 19 and 23 is/are rejected.
- 7) ☒ Claim(s) 15-17 and 20-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 9-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 14, 18, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hwang et al (US PG PUB 20060153237) view of Olafsson et al (US PAT 5,910,959).

Regarding claim 14, 18, 19 and 23, Olafsson discloses robust transmission of control information as associated in a multimedia environment, wherein data transmission techniques are applied in a wire-line or wireless network, whereby the architecture includes multiplexing and transmitting control information between two modems (first/second control information of various types of data into one data frame (Abstract, col. 1, line 60-67, col. 2, line 49-67, col. 3, line 3-10, line 40-43, col. 6, line 56-67, col. 13, line 50-67). Olafsson fails to disclose various (first and second control data) resulting into a single packet. However, in a wireless communication system operating in a multimedia environment, Hwang admits that with respect to the background of the invention/prior art, the MAC sub-layer took on the function of

Art Unit: 2616

multiplexing control information together with other control information (first control data, second control data) resulting into a single packet (paragraphs 0003, 0010, 0016, 0017). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to implement multiplexing multiple control data into a single packet as disclosed by Hwang with the teachings of Olafsson for the purpose of further producing a more robust transmission of control information by minimizing decoding and reducing delay.

Allowable Subject Matter

2. Claims 9-13 are allowed over prior art.
3. Claims 15-17 and 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. The following is a statement of reasons for the indication of allowable subject matter:
The prior art fails to teach or fairly suggest with respect to claim 9 and 13, determining to which group each of plurality of control data belongs, and a multiplexer that multiplexes control data determined to belong to a same group, so as to generate multiplexed control data, with respect to claims 15 and 20, second control data is a message capable of being transmitted without waiting for response data from a communicating partner to the first control data, and with regard to claim 16 and 21, first and second control data include H.245 messages and with respect to claim 17 and 22, the first control data includes a master slave determining message and the second control data includes a terminal ability information exchanging message.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prenell P. Jones whose telephone number is 571-272-3180. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Prenell P. Jones 

September 27, 2006


CHI PHAM
SUPERVISORY PATENT EXAMINER 9/28/06